

United States Bankruptcy Court
Eastern District of Wisconsin

In re	Robert Frank Odeja and Kathleen Ann Odeja)	
	<i>[Set forth here all names including married, maiden, and</i>)	
	<i>trade names used by debtor within last 8 years.]</i>)	
)	
	Debtor)	Case No.
)	<u>17-23683-gmh</u>
Address	<u>1320 E Oakwood Rd, Oak Creek, WI 53154-5833</u>)	
)	
)	Chapter
Last four digits of Social Security or Individual Tax-payer Identification)	<u>13</u>
(ITIN) No(s).(if any):	<u>9215, 2414</u>)	
)	
Employer's Tax Identification (EIN) No(s).(if any):	<u></u>)	
)	

**NOTICE OF MOTION OF DLJ MORTGAGE CAPITAL, INC. TO ANNUL AND MODIFY THE
AUTOMATIC STAY SOLELY TO ALLOW LOSS MITIGATION**

DLJ Mortgage Capital, Inc., the current mortgagee of record, its successors, servicing agents and/or assignees (hereinafter collectively and at all times material hereto "the movant"), through its attorneys, Gray & Associates, L.L.P., hereby moves the for an order to annul and modify the automatic stay pursuant to section 362(d) of the Bankruptcy Code solely to permit the movant and the debtors to negotiate, offer, provide and enter into any trial modification agreement, loan modification agreement, forbearance agreement, refinance agreement or other loan workout/loss mitigation agreement.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before August 14, 2017, you or your attorney must:

File with the court a written objection to the motion and a request for a hearing at:

Clerk, U.S. Bankruptcy Court
U.S. Courthouse
517 E. Wisconsin Avenue, Room 126
Milwaukee, WI 53202-4500

If you mail your request and objection to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

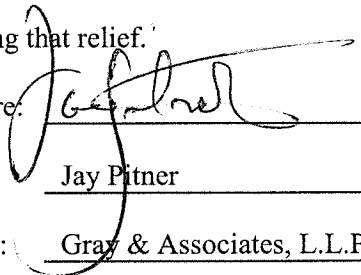
You must also send a copy to:

Jay Pitner
Gray & Associates, L.L.P.
16345 West Glendale Drive
New Berlin, WI 53151-2841

Scott Lieske
Chapter 13 Trustee
P.O. Box 510920
Milwaukee, WI 53203

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: July 31, 2017

Signature: 

Name: Jay Pitner

Address: Gray & Associates, L.L.P.

16345 West Glendale Drive

New Berlin, WI 53151-2841

UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF WISCONSIN

IN RE
Robert Frank Odeja and Kathleen Ann Odeja

Debtors.

Chapter: 13

Case No. 17-23683-gmh

**DLJ MORTGAGE CAPITAL, INC. TO ANNUL AND MODIFY THE AUTOMATIC STAY
SOLELY TO ALLOW LOSS MITIGATION**

DLJ Mortgage Capital, Inc., the current mortgagee of record, its successors, servicing agents and/or assignees (hereinafter collectively and at all times material hereto "the movant"), through its attorneys, Gray & Associates, L.L.P., hereby moves the court for an order to annul and modify the automatic stay pursuant to section 362(d) of the Bankruptcy Code solely to permit the movant and the debtors to negotiate, offer, provide and enter into any trial modification agreement, loan modification agreement, forbearance agreement, refinance agreement or other loan workout/loss mitigation agreement and alleges as follows:

1. The movant holds a promissory note and mortgage encumbering real property owned by the debtor(s) and located at 1320 E Oakwood Rd, Oak Creek, WI 53154-5833.
2. On April 20, 2017, the debtor(s) filed a petition for protection under Chapter 13 of the Bankruptcy Code and thereby commenced this case.
3. After the commencement of this case, the movant and the debtors(s) conducted loss mitigation negotiations which resulted in a proposed trial modification plan.

Drafted by:

Jay Pitner
Gray & Associates, L.L.P.
16345 West Glendale Drive
New Berlin, WI 53151-2841
Phone: (414) 224-8404
Fax: (414) 224-1279
Email: jpitner@gray-law.com

Gray & Associates, L.L.P. is attempting to collect a debt and any information obtained will be used for that purpose. If you have previously received a discharge in a chapter 7 bankruptcy case, this communication should not be construed as an attempt to hold you personally liable for the debt.

4. That upon the debtors' successful completion of the trial modification plan, a permanent modification agreement may be offered to the debtors.

5. To the extent it is necessary, the automatic stay should be annulled and modified solely to permit the movant and the debtors to negotiate, offer, provide and enter into any trial modification agreement, loan modification agreement, forbearance agreement, refinance agreement or other loan workout/loss mitigation agreement.

WHEREFORE, the movant requests that the automatic stay be annulled and modified pursuant to section 362(d) of the Bankruptcy Code to the date the petition commencing this bankruptcy case was filed solely to permit the movant and the debtors to negotiate, offer, provide and enter into any trial modification agreement, loan modification agreement, forbearance agreement, refinance agreement or other loan workout/loss mitigation agreement, that any order entered pursuant to this motion be effective immediately upon its entry and for such further relief as may be just and equitable.

Dated this 31st day of July, 2017.

Gray & Associates, L.L.P.
Attorneys for Movant

By: 

Jay Pinner
State Bar No. 1010692

UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF WISCONSIN

IN RE
Robert Frank Odeja and Kathleen Ann Odeja
Debtors.

Chapter: 13
Case No. 17-23683-gmh

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2017, the notice of motion and motion to annul and modify the automatic stay pursuant to section 362(d) of the Bankruptcy Code solely to permit the movant and the debtors to negotiate, offer, provide and enter into any trial modification agreement, loan modification agreement, forbearance agreement, refinance agreement or other loan workout/loss mitigation agreement was electronically filed in this case and served upon the following parties using the ECF system:

Scott Lieske Trustee

Eastern District U.S. Trustee

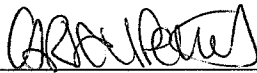
Andrew M. Golanowski

I further certify that on the same date, I mailed the same document(s) by the United States Postal Service to the following non-ECF participants:

Robert Frank Odeja
1320 E Oakwood Rd
Oak Creek, WI 53154-5833

Kathleen Ann Odeja
1320 E Oakwood Rd
Oak Creek, WI 53154-5833

Dated this 31 day of July, 2017.


Carley Pettis, Bankruptcy Analyst
Gray & Associates, L.L.P.

Gray & Associates, L.L.P. is attempting to collect a debt and any information obtained will be used for that purpose. If you have previously received a discharge in a chapter 7 bankruptcy case, this communication should not be construed as an attempt to hold you personally liable for the debt.